REMARKS

I. Preliminary Matters

Claims 1-14 are all the claims pending in the application. Claims 1, 3, 4, 6, 7, 9, 10 and

12 stand rejected.

Applicant thanks the Examiner for acknowledging the claim for priority under 35

U.S.C. § 119, and receipt of a certified copy of the priority document Japanese Patent

Application No. 2001-309739 submitted November 16, 2001.

Applicant thanks the Examiner for considering the references cited with the Information

Disclosure Statements filed October 27, 2003 and April 29, 2004.

Additionally, Applicant thanks the Examiner for indicating the Formal Drawings filed

October 7, 2002, are accepted.

II. Claim Amendments

Applicant herein editorially amends claims 1, 4, 7-10 and 12-14 to correct language

usage. No new matter has been added.

III. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 13 and 14 are allowed.

Applicant thanks the Examiner for indicating that claims 2, 5, 8 and 11 would be allowed

if rewritten in independent form.

IV. Obviousness Rejection

Claims 1, 3, 4, 6, 7, 9, 10 and 12 stand rejected under 35 U.S.C. § 103(a) as allegedly

being unpatentable over Afrakteh et al. (U.S. 2001/0055308; hereinafter "Afrakteh") in view of

Inokura et al. (U.S. Pat. No. 6,658,266; hereinafter "Inokura"). Applicant respectfully traverses

this rejection.

A. Independent Claims 1, 4, 7 and 10

The Examiner alleges that features recited in claims 1, 4, 7 and 10 would be obvious over

Afrakteh, in view of Inokura. Applicant respectfully traverses this rejection.

Initially, Applicant notes that although Inokura does seem to disclose a first detection

circuit, Inokura fails to disclose any specific method as might apply to the claimed features.

Moreover, while Inokura mentions detecting the "total amount of data," Inokura does not

contemplate the precise detection of the end of data transfer using control signals such as [FIN,

FIN+ACK].

Applicant further notes that the Examiner concedes that Inokura fails to teach a second

detection circuit for "detecting end of data transfer." See Office Action, p. 3. The Examiner

asserts however, that "one skilled in the art will appreciate, that any number of detection circuits

may be incorporated at desired switches, servers, etc. as appropriate for detecting the same."

Applicant respectfully disagrees.

For example, claim 1, as currently amended, recites, *inter alia*, a first detection circuit for discriminating a message in a TCP/IP packet sent from an access server and detecting an end of data transfer; and a second detection circuit for discriminating a message in a TCP/IP packet sent from a communication terminal on a mobile device side, and detecting that the communication terminal on a mobile device side has recognized an end of data transfer. In other words, the first detection circuit is used for, *inter alia*, detecting an end of data transfer sent from an access server, whereas, the second detection circuit is used for, *inter alia*, detecting when the mobile communication terminal has recognized an end of data transfer. Consequently, the combination of the first and second detection circuits represents a unique distinction not taught or suggested by either Afrakteh or Inokura, or by any combination thereof.

Applicant further submits that such a unique combination of features would not be obvious to one skilled in the art. In order to be directed to unpatentable (i.e., obvious) subject matter, either (1) the references must expressly or impliedly suggest the claimed combination, or (2) the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in the light of the teachings of the references. The Examiner has only asserted however, that "one skilled in the art will appreciate, that any number of detection circuits may be incorporated at desired switches, servers, etc. as appropriate for detecting the same." See Office Action, p. 3. Applicant submits that the line of reasoning given by the Examiner, i.e., "as appropriate for detecting the same," does not present a

convincing line of reasoning. In any event, the applied references fail to teach or suggest using a

second detection circuit, and thus fail to disclose all of the features of claim 1.

As such, Applicant submits that claim 1 is patentable over Afrakteh in view of Inokura,

and since claims 4, 7 and 10 recite similar features as claim 1, Applicant further submits that

claims 4, 7 and 10 are also patentable over Afrakteh in view of Inokura for the reasons stated

above regarding claim 1.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of

claims 1, 4, 7 and 10.

B.   Dependent Claims 3, 6, 9 and 12

For the reasons stated above with regard to claims 1, 4, 7 and 10, Applicant further

submits that claims 3, 6, 9 and 12 are patentable, at least by virtue of their respective dependency

on claims 1, 4, 7 and 10.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of

claims 3, 6, 9 and 12.

IV.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO.: 09/987,814
ATTORNEY DOCKET NO.: Q63700

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any
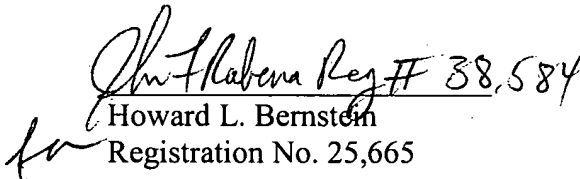
overpayments to said Deposit Account.

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